

Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2006026

Variance

Hearing Date:

May 10, 2006 (Continued from April 12, 2006)

Agenda Item:

5

Supervisory District:

4

*Indicates new or revised information since the report of April 12, 2006.

Applicant:

Gary Willoughby

Property Owner:

Roger F. Leonard

Request:

Variance to:

Permit an existing detached accessory structure (hangar) to setback 14'-6" from the side (west) property line where 30 feet is the minimum required in the Rural-43 zoning district.

This variance is requested from the following Zoning Ordinance Section(s):

Section 503, Article 503.4.2

Site Location:

51735 W. Iver Road – Central Avenue and Van Buren Street (Aguila area)

Site Size:

269,941-square feet (6.20 acres)

Existing Zoning:

Rural-43

Current Use:

Residential

Citizen

Support/Opposition:

None known

Staff

Recommendation:

Approve with stipulations

Existing On-Site and Surrounding Zoning:

1. On-site: Rural-43
North: Rural-43
South: Rural-43
East: Rural-43
West: Rural-43

Existing On-Site and Surrounding Land Use:

2. On-site: Hangars/accessory buildings/proposed manufactured home
North: Vacant
South: Single-family residence
East: Runway/516th Avenue alignment then vacant
West: Single-family residence

Background:

3. **September 30, 1994:** The current owner took possession of the subject site.
4. **August 28, 2003:** A violation case (**V200301147**) for junk, trash, debris, inoperable vehicles and non-accessory vehicles was opened on the subject property.
5. **Fall 2003:** During the violation investigation it was noted that the property owner was living in an existing hangar on the subject site. The owner was attempting to purchase a manufactured home to live in to comply with Building Code issues.
6. **May 10, 2005:** Case V200301147 was closed as the site had been cleaned and compliance achieved.
7. **November 29, 2005:** The owner submitted applications for building permits (**B200516987, 16988** and **16989**) to allow the placement of a manufactured home on the site and for two "as-built" hangar buildings.
8. **c.2005/2006:** During the review of the building permits it was discovered that one of the existing hangar buildings did not meet side yard setback requirements.
9. **March 3, 2006:** The applicant submitted this variance request.
- *10. **April 12, 2006:** This case was forwarded to the May 10, 2006 Board of Adjustment hearing date due to a lack of quorum.

Findings:

11. **Maricopa County Department of Transportation:** No response at the time this report was written.
12. **Flood Control District:** No response at the time this report was written.
13. **Environmental Services Department:** No response at the time this report was written.
14. **Drainage Administration:** No drainage concerns and no floodplain encroachment.

Site Analysis:

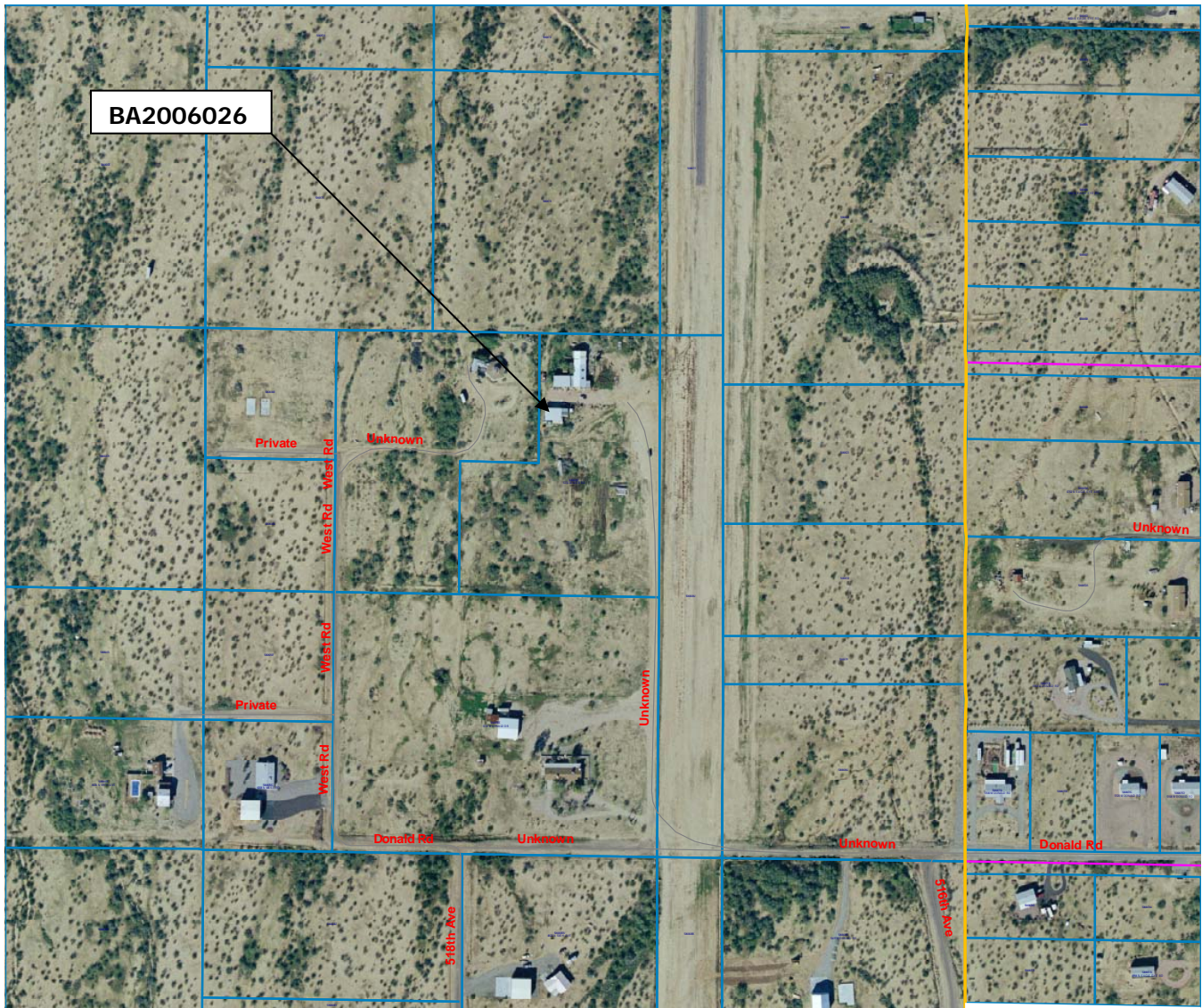
15. The subject site is an "L" shaped lot encompassing approximately 6.2 acres. The site measures approximately 660 feet in width and 505 feet in depth at its deepest point. The site is accessed via an unimproved easement that runs parallel to the eastern property line. This easement is located in the alignment for 516th Avenue, a local road. Access to the site is taken directly from the adjacent easement.
16. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the applicant.

Standard	Rural-43 Zoning District	Proposed Standard
Front Yard Setback	40-feet	198-feet
Rear Yard Setback	40-feet	280 feet
Side Yard Setback	30-feet	14'-6"
Street Side Setback	20-feet	N/A
Maximum Height	30-feet/2 stories	10-feet/1 story
Minimum Lot Area	43,560-sq. ft.	269,941-sq. ft.
Minimum Lot Width	145-feet	660-feet
Lot Coverage	15%	2.8%

*Standards indicated in **bold** do not meet minimum base zoning standards.

17. The site is currently developed with two 1,200-sq. ft. hangar buildings, a 2,760-sq. ft. building, a 256-sq. ft. carport, a well site with water storage tank and several smaller storage buildings. The applicant is proposing to place a 1,280-sq. ft. multi-sectional manufactured home on the site. No other structures are proposed at this time.
18. The subject site is level and free of any physical or topographical hardships. There is a braided drainage feature that traverses the site from north to south, but this feature appears shallow and insignificant with regards to any flood hazard. Vegetation on the

site is minimal and consists primarily of native and non-native grasses with some Creosote and Mesquite as well.



Aerial view of subject site and surrounding area.

Land Use Analysis:

19. The subject site is located south of the town of Aguila in the extreme northwestern portion of Maricopa County. Aguila is an unincorporated, agricultural based town located near the junction of Highways 60 and 71, approximately 20 miles west of the Town of Wickenburg. This town has a population of less than 1,000 people and is involved in cantaloupe melon production.
20. The surrounding area is sparsely developed with scattered single-family residences on large lots. Several small, private airports are present in the immediate area. The most prominent is Eagle Roost Airpark, located a short distance to the east of the subject site. This airport is incorporated into a residential subdivision with approximately 75

homes (110 at build out). A small, semi-improved runway borders the eastern portion of the subject site.

Plan Analysis:

21. This is a request to permit an existing accessory building (hangar) to setback 14'-6" from the side (west) property line where 30 feet is the minimum required in the Rural-43 zoning district. This request came about when the applicant attempted to obtain permits to place a manufactured home on the subject site. Plan Review staff noted that the hangar in question did not meet setback requirements and notified the applicant that the hangar would need to be moved, removed or a variance granted to keep it in its current location.



Aerial view of subject site.

22. Staff research indicates that no permits were ever issued for the building in question. It appears that this building, along with others on the site, was constructed in the early 1980's by a previous owner. Later, the property was split for inheritance purposes and the new property line was inadvertently drawn too close to the existing hangar. This discrepancy went unnoticed until the applicant applied for building permits.
23. This case appears to be simply a self-created hardship due to poor lot splitting. In this instance, however, there may be an unusual circumstance. The owner of the property is in very poor health and is unable to move or demolish this building. A previous owner is responsible for both the construction of the building and the lot split. The existing building has little or no impact on the surrounding area and is not out of character for this area. This building has been in existence for over 20 years and staff is unaware of any complaints regarding this hangar. The applicant also stated that there may have been an agricultural exemption on this site during the 1970s and 1980s. This would explain the lack of permits for these buildings and is certainly plausible as the subject site shows signs of being farmed in the past. Records with the Planning and Development Department do not indicate the presence of an exemption; however, in the 1970s and 1980s these exemptions were primarily processed through the Assessor's Office.



View looking south along property line.



View looking northwest at hangar from driveway.

24. During a site inspection, staff noted several other small buildings and structures not indicated on the site plan. The applicant has agreed to move or demolish these structures to help improve the appearance of the site and to eliminate several potential variances as well. None of these structures are in good condition at this time and would possibly require a significant expenditure on the part of the property owner to bring up to code.



View looking north along property line.



View looking south at proposed manufactured home.

25. Staff is of the opinion that there is a hardship due to unusual circumstances in this case. The current owner neither built the buildings nor split the property. It appears that the buildings may have been constructed under an agricultural exemption and the parcel split occurred to satisfy inheritance requirements. Both of these situations were beyond the control of the current owner who is in very poor health. Staff recommends that this request be approved as outlined below.

Recommendation: (BA2006026)

26. Staff recommends **approval** of this variance request based on the following:

- The relief requested is the minimum required necessary to provide the applicant with full use and enjoyment of the property.
- The request does not conflict with the intent of the Zoning Ordinance and will have little impact on the surrounding area.
- This property may have been subject to an agricultural exemption in the past.

Subject to the following stipulations:

- a) General compliance with the site plan dated received March 3, 2006.
 - b) The applicant shall obtain all necessary permits within 120 days of Board approval.
 - c) The applicant shall move or remove all accessory buildings not indicated on the site plan to meet zoning requirements.
 - d) The applicant shall remove all junk, trash and debris from the property within 180 days of Board approval.
27. If the Board finds that a reasonable use of the property can be made without this variance, then this request should be denied.

clh

Attachments: Case Map BA2006026
Zoning Map
Assessor Map
Site Plan
Application
Supplemental Questionnaire
Letter from Applicant (2 pages)